

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA §  
§  
V. § NO. A 18 CR 390(1) RP  
§  
§  
JASON HERNANDEZ §

**MOTION TO WITHDRAW AS COUNSEL  
AND FOR APPOINTMENT OF NEW COUNSEL**

TO THE HONORABLE ROBERT PITMAN, UNITED STATES DISTRICT JUDGE  
FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION:

NOW COMES Horatio R. Aldredge, Supervisory Assistant Federal Public Defender and attorney for defendant Jason Hernandez requesting permission to withdraw as counsel for the defendant and for the appointment of new counsel, showing the Court as follows:

1. The Federal Public Defender was appointed to represent Hernandez on November 27, 2018, by United States Magistrate Judge Andrew W. Austin.
  2. Counsel just became aware that an actual conflict exists between Hernandez and another client of the Federal Public Defender's Office. Given counsel's continuing duty of loyalty to clients, a conflict exists with counsel's duty of loyalty to Hernandez.

DEFENDANT REQUESTS that the Court enter an order permitting counsel to withdraw and for appointment of new counsel in this matter.

Respectfully submitted.

MAUREEN SCOTT FRANCO  
Federal Public Defender

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/s/ HORATIO R. ALDREDGE  
Assistant Federal Public Defender  
Western District of Texas  
504 Lavaca Street, Ste. 960  
Austin, Texas 78701  
(512) 916-5025  
(512) 916-5035 (FAX)  
Bar Number: Texas 00795216

*Attorney for Defendant*

#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of December, 2018, I electronically filed the foregoing Motion to Withdraw as Counsel and for Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Gabriel Cohen  
Assistant U.S. Attorney  
816 Congress Ave., Ste. 1000  
Austin, TX 78701

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/s/ HORATIO R. ALDREDGE

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## ORDER

On this date came on to be considered Counsel's Motion to Withdraw and for Appointment of New Counsel and the Court is of the opinion that the motion should be GRANTED. Accordingly, it is

ORDERED that the Federal Public Defender is permitted to withdraw as counsel of record  
in the above-captioned cause, and further that  
\_\_\_\_\_ is appointed to represent the defendant in this cause.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

## JUDGE PRESIDING